

Applicants: Andreo Larsen
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REMARKS

Claims 1-2, 4-11 and 13-17 were pending in the subject application. By this Amendment, applicant has amended claim 1, canceled claims 4 and 13 and changed the dependence of various claims to reflect the amendments to claim 1 and the cancellation of claims 4 and 13. Support for the amendment to claim 1 may be found in the specification, *inter alia* at page 2, lines 28-33, at page 3, lines 5-7 and at page 5, lines 13-18 as well as figures 3-8.

No issue of new matter is raised by these amendments. Accordingly, upon entry of this Amendment, claims 1-2, 5-11 and 14-17, as amended, will be pending and under examination in the subject application.

Consistent with the Examiner's comments in paragraph 2 and 3 of the Office Action claim 1 has been amended to recite that the rip tag is formed of a single piece of material that protects the adhesive surface of both fixing strips and that both ends of the U-shaped rip tag are bent inwardly against the adhesive surfaces of the fixing strips.

In view of the preceding claim amendments and the remarks which follow, applicant maintains that the grounds of rejection set forth in the January 8, 2009 Final Office Action have been overcome, and respectfully requests that the Examiner reconsider and withdraw these grounds of rejection.

Rejection Under 35 U.S.C. § 102

The Examiner has rejected claims 1-2, 4-8 and 13-17 under 35 U.S.C. §102(b) as allegedly anticipated by Berg (US Patent No. 4,863,448).

Berg discloses that the ring 50 encircles the outer surface of the sheath by going around the front side of the sheath. However, applicants note that the ring 50 of Berg does not go over the tip of the sheath as recited in the applicant's invention as now claimed. The rip tag of Berg is described inter alia at column 3, lines 63-67 and shown in Figures 11 and 14 to be comprised of two similar joined halves that are not U-shaped and do not extend over the tip of the sheath.

Applicant further notes that it is vital to protect both sides of the fixing strips by a single common rip tag as recited in amended claim 1. Applicant maintains that in Berg, there is described a ring 50 that can be bent while both sides will separately make a U-shaped rip tag. This kind of annular ring made of two separate U-shaped pieces, going around the front side of the sheath differs from the single, uniform, U-shaped rip tag of the claimed invention. Applicant further maintains that when the rip tag is structured as a U-shaped structure that can be released in the form of an elongated band, it is much easier to remove than an annular ring as disclosed in Berg since it is removable by one single finger movement by simultaneously peeling the ends of the rip tag from the adhesive surfaces of the fixing string.

When removing the annular ring tear-off portion 50 according to Berg, it should be torn off transversely while the rip tag 7 of the claimed invention can be removed as an elongated

band. Applicant maintains that releasing the rip tag as an elongated band is a much simpler task than taking off an annular ring and then tearing it in several pieces.

Applicant contends that Berg does not disclose any of the following elements recited in amended claim 1: (a) a rip tag formed of a single material that protects the adhesive surface of both fixing strips, (b) a strippable rip tag that can be released in the form of an elongated band, and (c) a U-shaped rip tag whereby both ends are bent inwardly against the adhesive surface of the fixing strip.

In view of the preceding remarks and the amendments to the claims applicant requests that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §102(b).

Rejections Under 35 U.S.C. § 103

A. The Examiner rejected claim 9 under 35 U.S.C. §103(a) as allegedly unpatentable over Berg (US Patent No. 4,863,448) in view of Figuerido (US Patent No. 5,643,235).

As indicated in response to the rejection under §102(b) Berg does not disclose any of the following elements: (a) a rip tag formed of a single material that protects the adhesive surface of both fixing strips, (b) a strippable rip tag that can be released in the form of an elongated band, and (c) a U-shaped rip tag whereby both ends are bent inwardly against the adhesive surface of the fixing strip. Each of these elements is recited in amended claim 1 from which claim 9 depends.

Figuerido does not disclose any of the three elements not present in Berg, namely: (a) a rip tag formed of a single

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material that protects the adhesive surface of both fixing strips, (b) a strippable rip tag that can be released in the form of an elongated band, and (c) a U-shaped rip tag whereby both ends are bent inwardly against the adhesive surface of the fixing strip. Therefore, no combination of Berg and Figuerido contains all the elements of amended claim 1. Accordingly, the subject matter claim 9 which depends from amended claim 1 cannot have been obvious to a person of ordinary skill from a combination of the teachings of Berg and Figuerido.

In view of the foregoing remarks applicant requests that the Examiner reconsider and withdraw this ground of rejection under 35 U.S.C. §103(a).

B. The Examiner also rejected claims 10 and 11 under 35 U.S.C. §103(a) as allegedly unpatentable over Berg (US Patent No. 4,863,448) in view of Smith (US Patent No. 4,601,716).

As indicated in response to the rejection under §102(b) Berg does not disclose any of the following three elements: (a) a rip tag formed of a single material that protects the adhesive surface of both fixing strips, (b) a strippable rip tag that can be released in the form of an elongated band, and (c) a U-shaped rip tag whereby both ends are bent inwardly against the adhesive surface of the fixing strip. Each of these elements is recited in amended claim 1 from which claims 10 and 11 depend directly or indirectly.

Smith does not disclose any of the three elements not present in Berg, namely: (a) a rip tag formed of a single material that protects the adhesive surface of both fixing strips, (b)

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a strippable rip tag that can be released in the form of an elongated band, and (c) a U-shaped rip tag whereby the end is bent inwardly against the adhesive surface of the fixing strip. Therefore, no combination of Berg and Smith contains all the elements of amended claim 1. Accordingly, claims 10 and 11 cannot have been obvious from a combination of the teachings of Berg and Smith.

In view of the foregoing remarks applicant requests that the Examiner reconsider and withdraw this ground of rejection under 35 U.S.C. §103(a).

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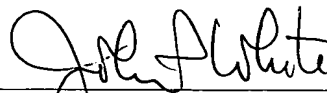
Summary

A sincere effort has been made to present claims which clearly and patentably distinguish over the cited art. In view of the preceding amendments and remarks, the Examiner is urged to withdraw the rejections of the claims and to pass the application to allowance.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

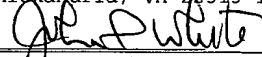
Respectfully submitted,



John P. White, Esq.
Registration No. 28,678
Attorney for Applicant
Cooper & Dunham LLP
30 Rockefeller Plaza
20th Floor
New York, NY 10112
(212) 278-0400

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